

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

(Attorney Docket No. 14214US02)

In the Application of:

Martin Lund

Serial No. 10/665,648

Filed: September 19, 2003

For: METHOD AND SYSTEM TO
PROVIDE BLADE SERVER LOAD
BALANCING USING SPARE LINK
BANDWIDTH

Examiner: Man U Phan

Group Art Unit: 2619

Confirmation No. 6075

**Electronically Filed on October 28, 2008
FWW**

REFUND REQUEST

Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Since the pre-appeal conference was substantially delayed beyond the 45-day period recommended by the USPTO guidelines (the pre-appeal brief conference request was filed on 3/24/08), the Applicant filed an Appeal Brief (with a request for a five-month extension) on the five-month due date, 10/24/2008 to avoid abandonment. The Examiner has re-opened prosecution of the above-identified application pursuant to the Notice of Panel Decision from Pre-appeal Brief Review ("Decision") on

10/24/2008. Since the Decision to reopen prosecution makes the Appeal Brief moot, the Applicant has concurrently requested for withdrawal of the Appeal Brief filed on 10/24/2008, and petitions for a full refund of the Appeal Brief fee (\$540.00) as well as the five-month extension fee (\$2,350.00), for a total refund of \$2,890.00.

The Commissioner is hereby authorized to credit the McAndrews, Held & Malloy Ltd. Deposit Account No. 13-0017 in the amount of \$2,890.00.

Respectfully submitted,

Date: October 28, 2008

/ Frankie W. Wong /

Frankie W. Wong
Registration No. 61,832
Patent Agent for Applicant

MCANDREWS, HELD & MALLOY, LTD.
500 WEST MADISON STREET, 34TH FLOOR
CHICAGO, ILLINOIS 60661
Telephone: (312) 775-8093 (FWW)
Facsimile: (312) 775-8100